

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of: Robert Jason Herr

Confirmation No.: 1828

Application No.: 10/566,342

Priority Date: Aug. 20, 2003

International Application No.: PCT/US2004/024386

I.A. Filed: August 18, 2004

For: COMPOUNDS METHODS AND FORMULATIONS FOR THE ORAL
DELIVERY OF A GLUCAGON LIKE PEPTIDE (GLP)-1 COMPOUND OR AN
MELANOCORTIN 4 RECEPTOR (MC4) AGONIST PEPTIDE

AMENDMENT TO INCORPORATE THE ATTACHED SEQUENCE LISTING

Attn.: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax 571-273-8300

Dear Sir/ Madam:

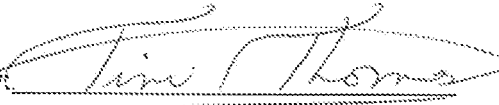
This is filed in response to the Office Action received on February 28, 2008 titled "Notification To Comply with Requirements for Patent Applications Containing Nucleotide And/Or Sequence Disclosure", a copy of which is enclosed herewith.

Applicant amends the U.S. Application No. 10/566,342 with the attached Sequence Listing as required by 37 CFR 1.821(c). Applicant states that this amendment specifically directs the attached Sequence Listing's entry into the application and that the content of the Sequence Listing information submitted includes no new matter.

The Examiner is authorized to charge any fees for a small entity in connection with the filing of the present Response to our Deposit Account No. 50-4195.

Dated: April 23, 2008

Respectfully submitted,

By: 

Tini Thomas, Esq.
Reg. No. 45,556
EMISPHERE TECHNOLOGIES, LLC
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Cedar Knolls, NJ 07927
(973) 532-8015

Attachments:

ETH103_ST25 (Sequence Listing)

Original Office Action "Notification To Comply With Requirements for Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosure"



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
10/566,342	Robert Jason Herr	X16292

25885
ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

INTERNATIONAL APPLICATION NO.	
PCT/US2004/024386	
LA. FILING DATE	PRIORITY DATE
08/18/2004	08/20/2003

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FEB 28 2000

ELI LILLY AND COMPANY
Patent Division

CONFIRMATION NO. 1828
371 FORMALITIES LETTER



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Date Mailed: 02/28/2008

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebs>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

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